

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Arthur Butler,

Case No. 3:13CV2571

Plaintiff

v.

ORDER

Time-Warner Entertainment Co., LP,

Defendant

This is an employment discrimination case in which I granted summary judgment for the defendant on the basis that no rational jury could find that plaintiff's race played any role whatsoever in the defendant's decision to fire him after a supervisor observed him violating a safety requirement. (Doc. 37). Plaintiff has filed a notice of appeal from that decision. (Doc. 39).

Pending is his motion for leave to prosecute his appeal *in forma pauperis*, and for waiver of the requisite filing fee. (Doc. 40). Defendant opposes the motion. (Doc. 42).

Defendant's opposition rests on three grounds: 1) failure to disclose all available sources of income; 2) ability to pay, in light of available income; and 3) failure to show that plaintiff takes his appeal in good faith.

I need consider only one of these grounds: namely, failure to make even a *prima facie* showing that he takes his appeal in good faith. *See, e.g., Calhoun v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999); *see also Gross v. U.S. Atty. Gen.*, 2009 WL 891698, *1 (E.D. Mich.) (denying *in forma pauperis* application where plaintiff failed to make showing of good faith taking of appeal).

Plaintiff having failed to satisfy the requirements for being granted leave to proceed *in forma pauperis*, it is hereby

ORDERED THAT plaintiff's application for leave to proceed *in forma pauperis* and for waiver of the filing fee (Doc. 40) be, and the same hereby is denied.

So ordered.

/s/ James G. Carr
Sr. U.S. District Judge